



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 05-78

Date: September 26, 2005

Application No. 200501991

Please address all comments to: Nashville District Corps of Engineers,
Regulatory Branch (ATTN: K. Wade Whittinghill)
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY

AND

STATE OF ALABAMA

SUBJECT: Proposed Placement of Fill Material into Forested Wetlands Associated with the Southgate Subdivision, a Residential Development.

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to Section 404 of the Clean Water Act (CWA). Other required approvals include a permit from the Tennessee Valley Authority (TVA) pursuant to Section 26a of the TVA Act and a water quality certification from the Alabama Department of Environmental Management (ADEM) pursuant to Section 401 of the CWA.

APPLICANT: JJ and M Properties, LLC
26 Ashbury Road
Huntsville, Alabama 35801

LOCATION: Wetlands Adjacent to an Unnamed Tributary of the Flint River in Madison County, Alabama (USGS Moontown Quadrangle Map, Lat: 34°-38'-49.1280"/Long: 86°-28-34.8600"). See location map (Exhibit A)

DESCRIPTION: The forested wetlands proposed to be impacted, for which the above-described authorizations are required, total 2.6 acres. The applicant proposes to mitigate the wetland loss by purchasing 5.2 mitigation credits from the American Freshwater Farms Advanced Wetland Mitigation Site near Scottsboro, Alabama. See site plans (Exhibit B)

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

DA File No. 200501991

Written statements received in this office on or before October 26, 2005 will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: K. Wade Whittinghill, at the above address, or telephone (615)369-7511. It is not necessary to comment separately to ADEM and TVA since copies of all comments will be sent to those agencies and will become part of their record for the proposal.

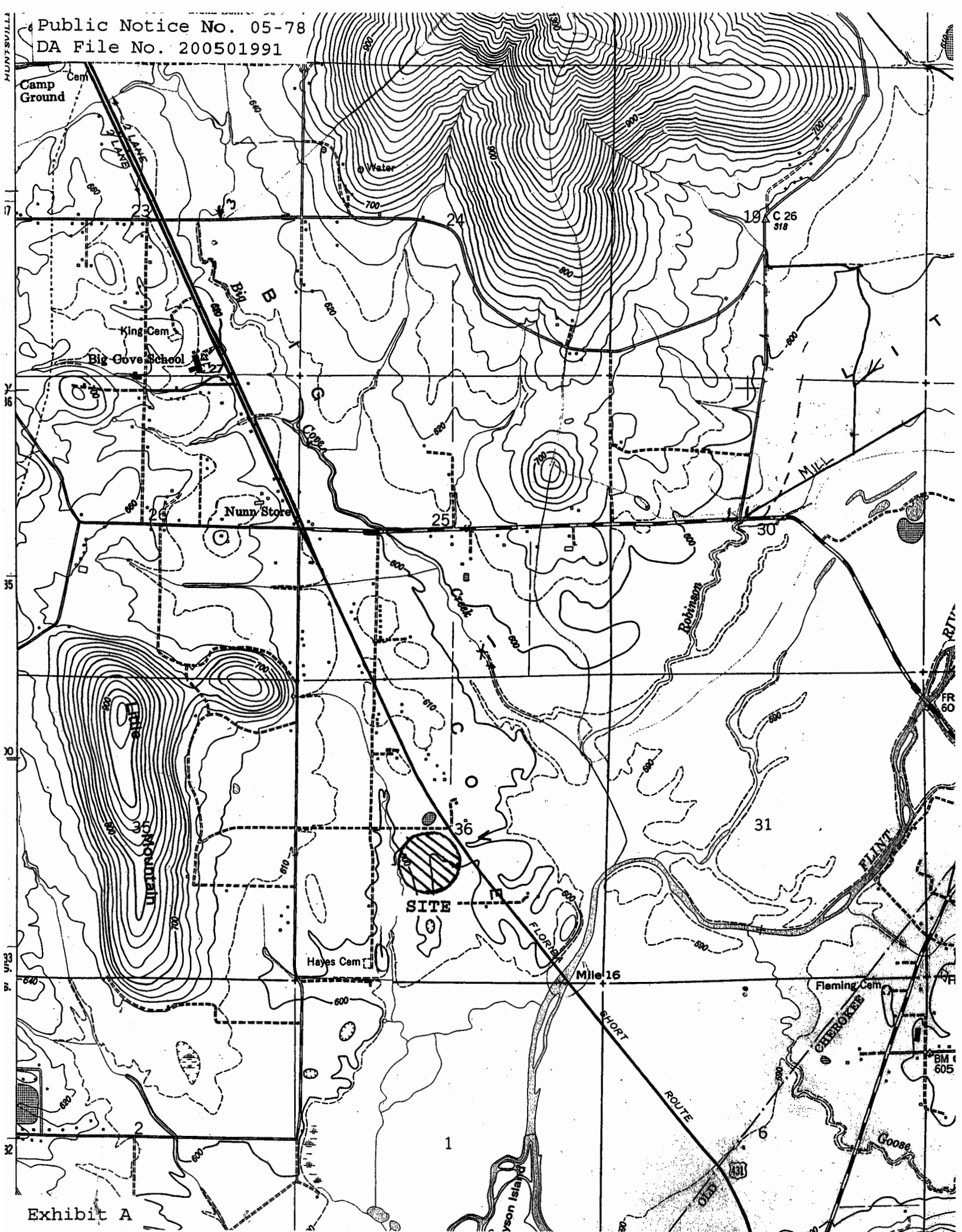
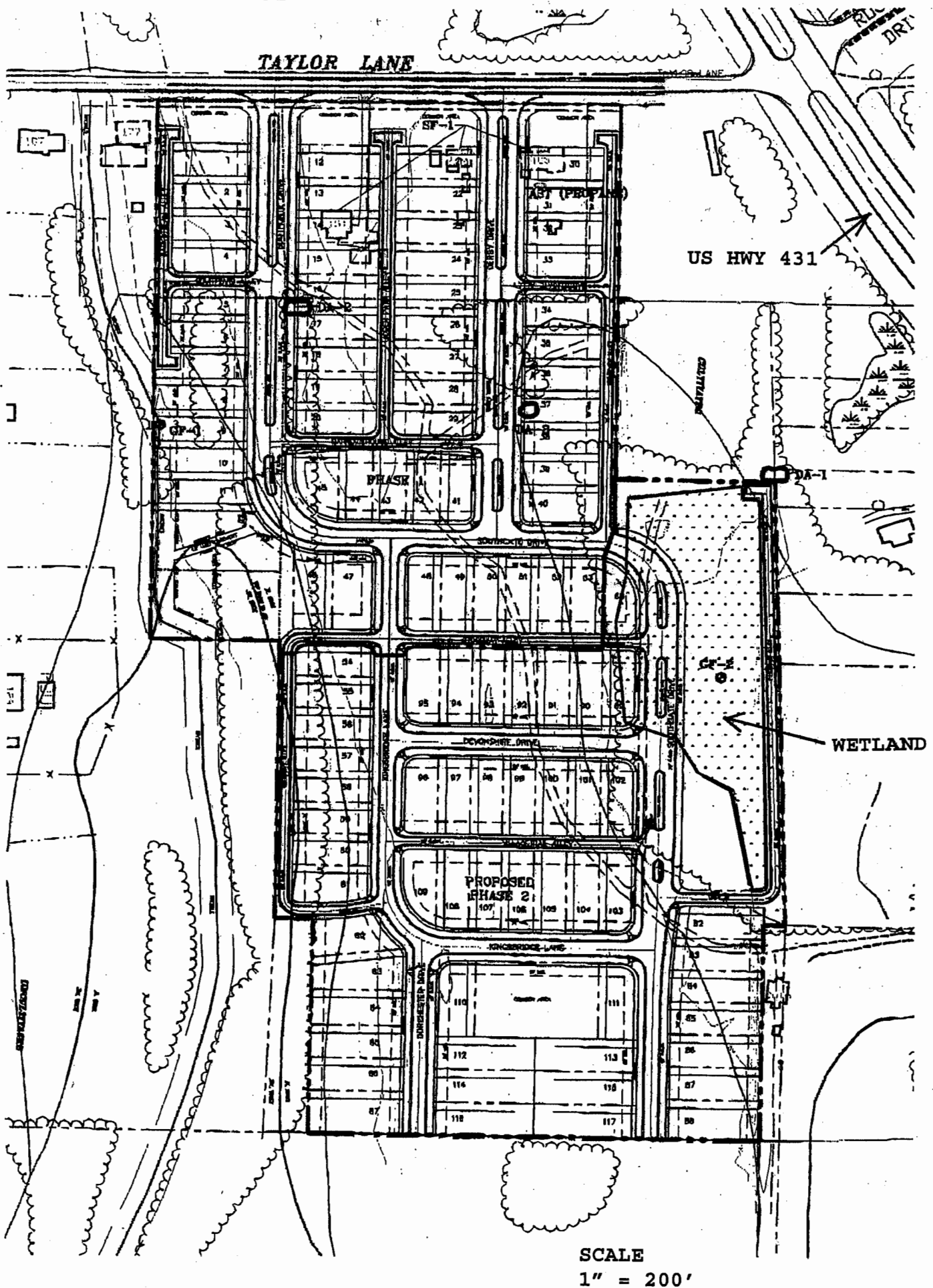


Exhibit A



SCALE
1" = 200'